

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY 11 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Policies and Rules Concerning)
Children's Television Programming)
)
Revision of Programming Policies)
for Television Broadcast Stations)

MM Docket No. 93-48

To: The Commission

ERRATUM

The comments of The Walt Disney Company, filed

May 7, 1993 in the above-captioned proceeding, are corrected

If broadcasters are uncertain whether the Commission will agree that the entertainment value of a program like *Sesame Street* is clearly secondary to its educational value and that its entertainment value is implicit rather than explicit, they will have a strong incentive to air instead programs that are less close a call -- *i.e.*, a "talking heads" type of program. But few children will watch such a pedantic and dull program. As a successful producer of children's television programming, Disney knows only too well that children are, in fact, a discerning audience that will not watch a program simply by virtue of its being on television. The program must be entertaining to attract and hold their attention.¹⁴

Without a substantial children's viewership, program producers will be forced to spend less on these programs, because their ability to recoup their costs and earn a profit from advertising revenues would be decreased.¹⁵ The result, however unintended, is clear: Educational programming will be dull, of poor quality and few children will watch it. As such, the programming will do little to "further[] the positive development of children 16 years of age and under in any respect, including the child's intellectual/cognitive or social/emotional needs."¹⁶ While broadcasters would be complying with the literal

14 Children are no different from adults in this respect. For example, a comparison of news interview programs demonstrates that those that use a more entertaining format (*e.g.*, *60 Minutes* and *20/20*) earn far higher ratings than those that rely more on a "talking heads" format (*e.g.*, *Meet The Press* and *Face The Nation*).

15 Only two years ago the Commission appropriately recognized that quality programs require sufficient funding. Policies and Rules Concerning Children's Television Programming, Report and Order, MM Docket No. 90-570, 6 FCC Rcd. 2111, 2117 (1991) ("Report and Order"). *See also* Disney Comments (MM Docket No. 90-570) at 8-9.

16 47 C.F.R. § 73.671 Note (1992). Disney believes that this definition of educational and informational programming continues to be appropriate because it embodies the Act's goal.

**III. THE COMMISSION SHOULD DEFER TO A BROADCASTER'S
REASONABLE, GOOD FAITH JUDGMENT THAT A
SIGNIFICANT PURPOSE OF A PROGRAM IS EDUCATIONAL**

Disney strongly urges the Commission not to adopt its proposal to require that *the*